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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,221	08/13/2001	Stephen F. Gass	SDT 302	2131

27630 7590 01/24/2005

SD3, LLC  
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EXAMINER

ASHLEY, BOYER DOLINGER

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/929,221

Applicant(s)

GASS ET AL.

Examiner

Boyer D. Ashley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9, 10, 12-14, 16, 17 and 19-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 10, 12-14, 16, 17 and 19-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/6/04 - 8/18/04  
12/9/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/20/04 has been entered, wherein claims 1, 10, and 17 were amended; claims 7-8, 11, 15, 18 were canceled; and claims 19-24 were added.

### **SPECIAL CIRCUMSTANCES OF THIS APPLICATION**

Even if a copending application is listed on this instant application or other copending applications or patents and the material information is technically of record in one or more parent or copending applications, the unusually large number of applicant's cases in varying stages of the examination process might result in one or more parent applications not being readily available for review, or material information of record not being readily apparent. Moreover, applications, which may not have any direct relationship, as continuing applications, to other copending applications by the same assignee may not be readily apparent due to the unusually large number of applicant's cases.

Applicant should point out such material information to the examiner of the instant application if the criterion for materiality applies, and if the examination record provides applicant reason to believe such information has not been considered by the examiner. This should include a listing of all related cases whether previously filed, recently filed, currently being filed, or patented.

If, to the best of applicant's knowledge, applicant has no previous patent or copending application, which would meet the definition of "material," applicant is requested to make a statement of that fact of record.

Any parent application labeled as a CIP or Divisional is assumed to claim a patentably distinct invention from the claims of this application and therefore the issue of double patenting has not been considered and the rights to priority are limited to the common disclosed subject matter unless it is brought to the examiners attention that some claims are not distinct.

**37 CFR 1.56. Duty to disclose information material to patentability.**

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9, 12-14, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friemann et al., U.S. Patent 3,858,095, in view of Masuda et al., U.S. Patent 5,231,359.

Friemann et al. disclose the use of a woodworking machine with contact detection system and a reaction system for detection contact between the person and the tool such that the tool can be stopped. Friemann et al. disclose circuit arrangement with a capacitance type detection system, wherein the blade forms part of the circuit.

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Friemann et al. lacks the shaft rotating the blade as conductive plate and second plate spaced apart from the shaft wherein a dielectric is in between the plates.

Masuda discloses other types of capacitance detection system wherein a signal through an electrode is applied such that an electrode detector is used to sense a change in the capacitance in an object to be detected are equivalent structures known in the art. Therefore, because these two type of capacitance sensors are equivalent structures known in the art were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the detection system of Masuda for the detection system of Friemann et al. such that a signal is applied to the shaft and blade of Friemann et al. while also using an electrode to sense capacitance changes on the object due to a person touching the for the purpose of providing an enhanced detection system with high sensitive.

4. Claims 1-6, 9-10, 12-14, 17, 19-20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokey, U.S. Patent 3,785,230, in view of Masuda et al., U.S. Patent 5,231,359.

Lokey discloses the use of a woodworking machine with contact detection system and a reaction system for detection contact between the person and the tool such that the tool can be stopped. Lokey discloses a circuit arrangement with a capacitance type detection system, wherein the blade forms part of the circuit. Lokey lacks the shaft rotating the blade as conductive plate and second plate spaced apart from the shaft wherein a dielectric is in between the plates.

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Masuda discloses other types of capacitance detection system wherein a signal through an electrode is applied such that an electrode detector is used to sense a change in the capacitance in an object to be detected are equivalent structures known in the art. Therefore, because these two type of capacitance sensors are equivalent structures known in the art were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the detection system of Masuda for the detection system of Lokey such that a signal is applied to the shaft and blade of Lokey while also using an electrode to sense capacitance changes on the object due to a person touching the for the purpose of providing an enhanced detection system with high sensitive.

5. Claim 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Lokey in view of Masuda et al. as applied to claim 17 above, and further in view of Richards et al., U.S. Patent 2,737,213.

The modified device of Lokey discloses the invention substantially as claimed except for the a circular blade and pulley mounted thereon; however, Richards et al. discloses that it is old and well known in the art to use pulleys with circular saws for the purpose of arranging the parts of the saw such that there is better balance. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use belt-pulley drive device with the circular saw of the modified device of Lokey in order to arrange the parts for a more balanced saw.

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***Response to Arguments***


6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boyer D. Ashley whose telephone number is 571-272-4502. The examiner can normally be reached on Monday-Thursday 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Boyer D. Ashley  
Primary Examiner  
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BDA

January 19, 2005